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APPLICATION NO.	F	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,767		11/21/2000	Walter J. Kelly	5709-159	9022
757	7590	04/04/2005		EXAM	IINER
BRINKS F	IOFER G	ILSON & LIONE	REDMAN, JERRY E		
P.O. BOX 10395				ART UNIT	PAPER NUMBER
CHICAGO,	CHICAGO, IL 60610			7674	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/717,767	KELLY ET AL.
Office Action Summary	Examiner	Art Unit
	Jerry Redman	3634
- The MAILING DATE of this communication	appears on the cover sheet w	ith the correspondence address
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO Extensions of time may be available under the provisions of 3 TC after SIX (6) MONTHS from the mailing date of this communication If the period for reply specified above is less than thirty (30) days, If NO period for reply is specified above, the maximum statutory pr Failure to reply within the set or extended period for reply will, by a Any reply received by the Office later than three months after the n earned patent term adjustment. See 3 T CRT 1.704(b).	ON. R 1.136(a). In no event, however, may a a reply within the statutory minimum of thin	reply be timely filed try (30) days will be considered timely.
Status		
1) Responsive to communication(s) filed on 1	18 January 2005.	
·= · ·	This action is non-final.	
3) Since this application is in condition for alle		ters, prosecution as to the merits is
closed in accordance with the practice und		
Disposition of Claims		
•		
4) Claim(s) 1-4 and 6-19 is/are pending in the		
4a) Of the above claim(s) is/are with	ndrawn from consideration.	
5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected.		
7) Claim(s) 14 and 18 is/are objected to.		
8) Claim(s) are subject to restriction a	nd/or election requirement	
o) Claim(s) are subject to restriction a	navor election requirement.	
Application Papers		
9) The specification is objected to by the Example 1.	miner.	
10) The drawing(s) filed on is/are: a)	accepted or b) objected to	by the Examiner.
Applicant may not request that any objection to		
Replacement drawing sheet(s) including the co		
11) The oath or declaration is objected to by the	e Examiner. Note the attache	ed Office Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for for	eign priority under 35 U.S.C.	§ 119(a)-(d) or (f).
a) All b) Some * c) None of:		
1. Certified copies of the priority docur	ments have been received.	
2. Certified copies of the priority docur	ments have been received in	Application No
3. Copies of the certified copies of the	priority documents have been	n received in this National Stage
application from the International Bu	ureau (PCT Rule 17.2(a)).	
* See the attached detailed Office action for a	a list of the certified copies no	t received.
Attachment(s)	_	
1) Notice of References Cited (PTO-892)		Summary (PTO-413) o(s)/Mail Date
Notice of Draftsperson's Patent Drawing Review (PTO-944 Information Disclosure Statement(s) (PTO-1449 or PTO/S	٠, ـ ـ .	Informal Patent Application (PTO-152)

Application/Control Number: 09/717,767

Art Unit: 3634

Throughout the claims, the applicant uses the phraseology "radiused". Since the exact definition of the word cannot be found in the dictionary and an exact definition could not be found within the specification, could the applicant please provide a working definition and/or another word, which would describe the element with the desired detail.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 6-7, it appears that "one of said slots" should be –said first slot-. In claim 1, lines 8-9, it appears that "said first face" should be –said second face--. In claim 1, line 10, it appears that "said second face" should be –said first face--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 7, 9-13, 15-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Vance ('859). Vance ('859) discloses a two-piece weatherstrip for a motor vehicle comprising a cover (30) having a first flange (32), a second flange (38)

Application/Control Number: 09/717,767

Art Unit: 3634

having a "radiused" end, and a centrally disposed web (40), a body having an S-shaped metal inserted (44), a first slot (42) engaging the web (40), a second slot (56) having a plurality of obliquely disposed webs (58A and 58B) engaging a flange (62, the body portion extending transversely thereto) extending from the vehicle and having a second face (52), a pair of wiper lips (74 and 84) having flocking attached thereto and extending from the second face (52), a flexible flange (the portion 34 at the end of first flange 32) having a "radiused" end, and a recess (36, forms a recess along an outer surface which is complementary to the formation" radiused" end of the flexible flange).

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's arguments are more limiting than that of the claims. The applicant argues that that the cover and body are uniquely engaged by one another by including flanges and recesses yet the applicant has failed to clearly and

Application/Control Number: 09/717,767

Art Unit: 3634

positively recite such language. The applicant is using "adapted to" and "for"

phraseology, which fails to clearly and positively, set forth the claimed invention. It

Page 4

appears to the Examiner that if the applicant would include specific language which is

clearly and positively set forth and which incorporates the end of the flange (40) and

how it engages the flange (54) which extends outwardly from the face and has a lip

engaging the surface of the body vehicle and the opposite side of the flange includes a

complementary recess to that of the end of the flange (40), or something similar would

at least read over Vance ('859).

Any inquiry concerning this communication should be directed to Jerry Redman

at telephone number 703-308-2120.

Jerro Hedman Primary Examiner